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**WORKING  
DISCUSSION OUTLINE  
PHILIP MORRIS  
SUBMISSION  
TO  
OSHA  
4/26/94**

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## \* EXTENSION OF TIME ISSUES

The following dates are listed in the April 5, 1994, Federal Register (59 FR 15968) with regard to public comment on the proposed OSHA rulemaking:

Notice of intention to appear at hearing must be postmarked by . . . . .	June 20
Comments on proposed standard must be postmarked by . . . . .	June 29
Testimony and evidence to be submitted at the hearing must be postmarked by . . .	July 5
Public Hearing at 9:30 a.m. . . . .	July 12

The above dates contradict statements made in OSHA's March 25 press release. In it they say written comments "should be submitted within 90 days of publication," which would be July 5. Requests for public hearings "should be submitted within 30 days of publication," or May 5. Neither Reich or Dear discussed this issue at the March 25 press conference.

1. Finalize draft letter documenting the unavailability of the docket [CBS].
2. Contact others to discuss draft letters to OSHA [TI, RJR, consultants, etc.].
3. How, when and by whom will extension be requested [CBS, RJR, TI to discuss].
4. Steps to be taken to acquire the full docket, as it sits at OSHA [CBS].

**\* LETTER OF TRANSMITTAL TO OSHA  
CONVEYING THE PHILIP MORRIS  
PUBLIC COMMENTS**

1. Initial Draft of letter [CBS]
2. Who Will Ultimately Sign for Philip Morris?

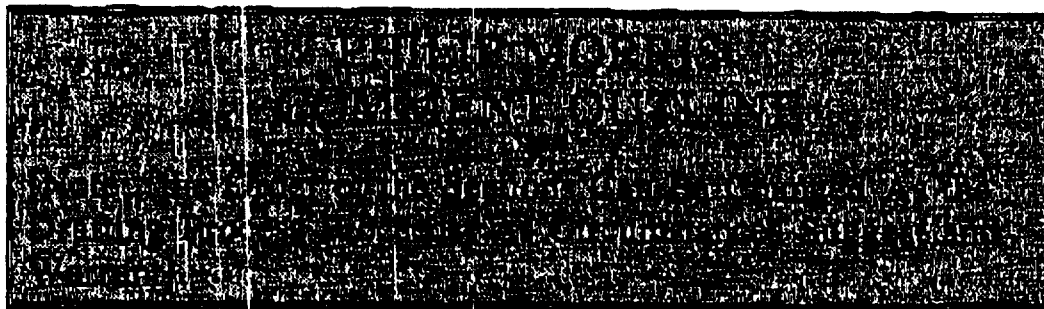
**\* PHILIP MORRIS COMMENT:  
PREMISES AND WORKING  
ASSUMPTIONS**

1. Coordinate Scientific Review and Analysis with Philip Morris, Richmond [SHB]
2. Provide Comprehensive Comment Addressing All Issues
  - a. Emphasize ETS Issues, But Also Address IAQ
  - b. Refer to RFI Submission as Appropriate
  - c. Rebut Science But Concentrate on ETS, Workplace Exposures
  - d. Deal with Risk Assessment/Dose Response Issues

- e. Rule Based on Zero Exposure is Effectively a Ban
- f. Explain Cost Issues
  - (i) Shouldn't OSHA Cost Out Designated Areas?
  - (ii) Not Adequate For OSHA to Say Employer Could Ban Without Incurring Any Costs
  - (iii) Attack Inflated IAQ Cost Figures
- 3. Develop "Work Where You Smoke" and "Smoke Where You Work" Theme

**\* EXECUTIVE SUMMARY OF OVERALL  
PHILIP MORRIS COMMENT**

- 1. A Stand Alone Document that Summarizes the Overall Philip Morris Submission
  - a. Prepare a Desk Top Version for Use in the Field [SHB]
- 2. Preparation of Initial Draft [CBS]



**\* SECTION I: OVERVIEW AND INTRODUCTION**

1. Delay in Submission to Docket and Overall Handling of the Notice
2. Failure to Rely on Previous RFI Public Docket
3. Handling of Process Creates an Appearance of Extremism
4. Indoor Smoking as a Part of the Overall Workplace Environment Issue
5. "Work Where You Smoke"
6. OSHA's Proposal Dealing With Indoor Smoking is a "Zero Exposure" Rule, the Same as the "Benzene Decision"
  - a. Language from Cancer Policy

b. Post-Benzene Changes

7. Initial Draft of Overview Section [CBS]

**\* SECTION II: LEGAL ANALYSIS OF  
OSHA'S PROPOSED RULE**

1. Significant Risk of Material Impairment to Workers'  
Health and Safety

2. Other Legal Issues to be Addressed

a. Definitions of Irritation, Indoor Work  
Environment

b. Bans Without PELs

3. Initial Draft of Legal Analysis Section [CBS]

**\* SECTION III: THE PROPER  
REGULATORY FOCUS IS OVERALL  
WORKPLACE INDOOR AIR QUALITY**

1. Building Systems Approach

a. Refer to Prior RFI Docket Submissions

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- 6 -

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**2. Ventilation Issues**

**a. ASHRAE**

**3. Data from Building Investigations**

**a. NIOSH**

**b. Others**

**4. Summarize the Company Position on Total IAQ**

**5. First Draft of Section [SHB]**

**\* SECTION IV: INDOOR AIR QUALITY --  
HEALTH EFFECTS, INCLUDING  
EFFECTS OF BIOAEROSOLS**

**1. Discussion of IAQ Health Effects**

**a. Refer to and Incorporate RFI Docket Material**

**2. Discussion of IAQ Risk Assessment Issues**

**3. Summarize Company Position on IAQ Health Effects**

**4. First Draft of IAQ Health Effects Section [SHB]**

**\* SECTION V: INDOOR SMOKING  
ISSUES: ALTERNATIVES TO  
PROPOSED CONTROLS**

- 1. Summarize the Company Position on Indoor Smoking**
- 2. Discuss the Indoor Smoking Options and the Scientific Basis for Each of the Options**
  - a. Moderate Smoking Throughout**
  - b. Simple Separation of Smokers and Non-Smokers**
  - c. Designated Smoking Areas**
    - (i) Negative Pressure**
    - (ii) Recirculation, HVAC Systems**
    - (iii) Separate Exhaust**
- 3. Discuss Indoor Smoking Options/Alternatives in Specific Venues**
  - a. Industrial**
  - b. Non-Industrial**



- c. Bars
- d. Restaurants
- e. Hotels
- f. Residences

4. Initial Draft [SHB]

\* **SECTION VI: ENVIRONMENTAL  
TOBACCO SMOKE IN THE  
WORKPLACE**

- 1. Chemistry of ETS
  - a. MS, SS Distinguished
  - b. Diluted, Complex Mixture
  - c. Constituents of ETS Found in the Workplace Environment from Other Sources
- 2. ETS and the Workplace -- Review and Discussion of All Exposure Data
  - a. Exposure Data in the Literature and in RFI Docket

- b. RJR Data
  - c. CIAR Studies and Oak Ridge Monograph
  - d. PM Building Study
  - e. NIOSH Data
  - f. OSHA Data
  - g. Travelers
  - h. Gray Robertson -- PM Data
  - i. Other Exposure Data
- 3. Use of Cotinine as a Biological Marker
  - 4. Use of Time-Budgets as Surrogates for Exposure Data
  - 5. Summarize the Company Position on ETS in Workplace and ETS Exposure
  - 6. Initial Draft of Section [SHB]

**\* SECTION VII: ENVIRONMENTAL  
TOBACCO SMOKE IN THE  
WORKPLACE -- LUNG CANCER**

- 1. Epidemiology in EPA's Risk Assessment [Domestic Exposures]**
- 2. Workplace Epidemiology, ETS and Lung Cancer**
- 3. Risk Assessment: Lung Cancer**
  - a. EPA's Risk Assessment**
  - b. OSHA's Discussion of Risk**
- 4. Positive Trends and Biological Plausibility**
- 5. Physiological, Clinical, Toxicological**
- 6. Exposure**
- 7. Summarize the Company Position on ETS and Lung Cancer**
- 8. Initial Draft of Section [SHB]**

**\* SECTION VIII: ENVIRONMENTAL  
TOBACCO SMOKE IN THE  
WORKPLACE -- CARDIOVASCULAR  
EFFECTS**

- 1. Cardiovascular Issues Identified by OSHA**
  - a. Thrombus Formation**
  - b. Vascular Wall Injury**
  - c. Mechanisms**
  - d. Acute Heart Effects**
  - e. Chronic Heart Effects**
- 2. General Epidemiology, ETS and Cardiovascular Effects**
- 3. Workplace Data, ETS and Cardiovascular Disease**
- 4. Biological Plausibility**
- 5. Risk Assessment Critique**
  - a. OSHA's Discussion of Risk**

6. Physiological, Clinical, Toxicological
7. Exposure
8. Company Position on ETS and Cardiovascular Disease
9. Initial Draft of the Section [SHB]

**\* SECTION IX: ENVIRONMENTAL  
TOBACCO SMOKE IN THE  
WORKPLACE -- IRRITATION AND  
OTHER ACUTE EFFECTS**

1. What is Irritation?
2. Discussion of the Data
3. Company Position
4. Initial Draft of Section [SHB]

**\* SECTION X: ENVIRONMENTAL  
TOBACCO SMOKE IN THE  
WORKPLACE -- PULMONARY EFFECTS**

1. Epidemiology

2. Physiological, Clinical, Toxicological

3. Company Position

**\* SECTION XI: ENVIRONMENTAL  
TOBACCO SMOKE IN THE  
WORKPLACE -- REPRODUCTIVE  
EFFECTS**

1. Discussion of Physiological, Clinical, Toxicological

2. Company Position on Reproductive Effects

3. Initial Draft of Section [SHB]

**\* SECTION XII: THE COST ISSUE --  
ECONOMIC ANALYSIS OF THE  
RULEMAKING**

1. Distill and Summarize the Company Position on Costs  
and Economics

2. Industry Profile

3. Alternatives

a. Ban is not an Alternative

4. "Benefits" of the Proposed Rule
5. Technological Feasibility and Compliance Costs
  - a. Address EPA Report
6. Economic Impact and Feasibility
  - a. Address EPA Report
7. Initial Draft of Section [SHB]

**\* SECTION XIII: LINE BY LINE, POINT BY POINT REBUTTAL TO OSHA DOCUMENT**

**\* SECTION XIV: DEALING WITH OSHA's QUESTIONS [ATTACHED]**

1. Each of the Questions Should be Specifically Addressed
2. Initial Drafting [SHB, CBS]

**\* SECTION XV: SUMMARY AND  
CONCLUSIONS**

**1. Initial Draft [CBS]**

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- 16 -

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